

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL J. RUNSTED,)	No. C 13-4016 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
JEFFREY BEARD,)	
)	
Defendant.)	
)	
)	

On August 29, 2013, plaintiff, a California state prisoner, filed a request for emergency injunctive relief which initiated these proceedings. (Docket No. 1.) The same day, the Clerk notified plaintiff that he failed to submit a complaint, and sent a complaint form to plaintiff. (Docket No. 2.) On September 13, 2013, plaintiff filed a motion to withdraw his complaint indicating that “[t]he intent of [the] injunction was not to make a civil complaint.” (Docket No. 4.)

Plaintiff may voluntarily dismiss his complaint with or without order of this court. *See* Fed. R. Civ. P. 41(a)(1)(A), (a)(2). Because no opposing party has been served, plaintiff’s motion to withdraw his complaint is construed as a “notice of dismissal.” *See* Fed. R. Civ. P. 41(a)(1)(A)(I). Accordingly, this action is **DISMISSED**. The Clerk shall terminate all pending motions and deadlines and close the file.

IT IS SO ORDERED.

DATED: 10/21/13



LUCY H. KOH
United States District Judge